

VIRGINIA WATER PROTECTION PERMIT PROGRAM

Overview of Program and VWP Inspections



Objectives

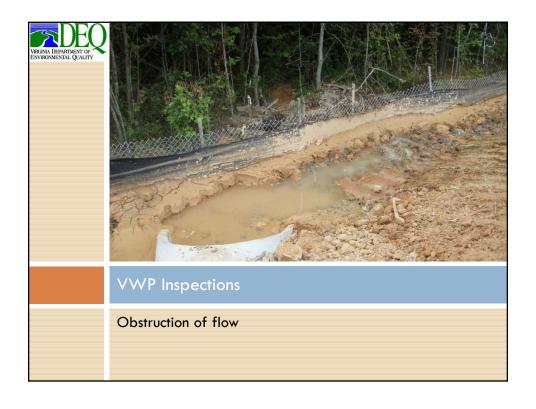
- >To identify common permit conditions
- >To understand a VWP inspection process
- >To understand what role E&S and SWM professionals play

1. The activities authorized by this VWP general permit shall be executed in a manner so as to minimize adverse impacts on instream beneficial uses as defined in §62.1-10 (b) of the Code of Virginia.



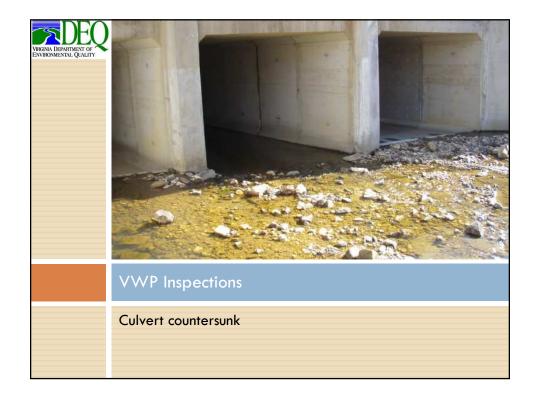
General Permit Conditions

2. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. The requirement to countersink does no apply to extensions or maintenance of existing culverts that are not countersunk, floodplain culverts being placed above ordinary high water, culverts being placed on bedrock, or culverts required to be placed on slopes 5.0% or greater. No activity may cause more than minimal adverse effect on navigation. Furthermore the activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.



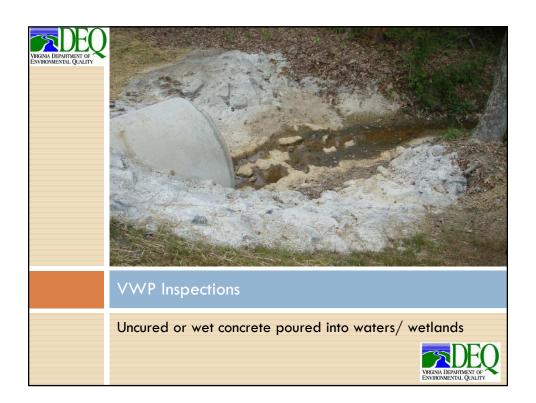






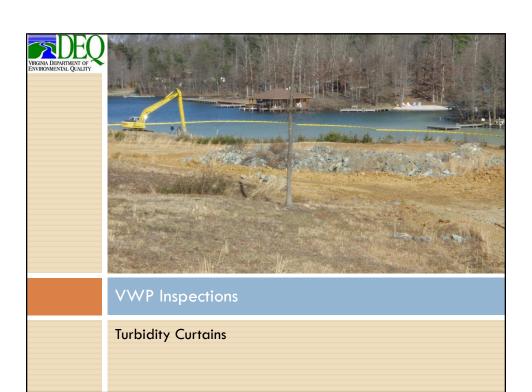
3. Wet or uncured concrete shall be prohibited from entry into flowing surface waters. Excess or waste concrete shall not be disposed of in flowing surface waters or washed into flowing surface waters.





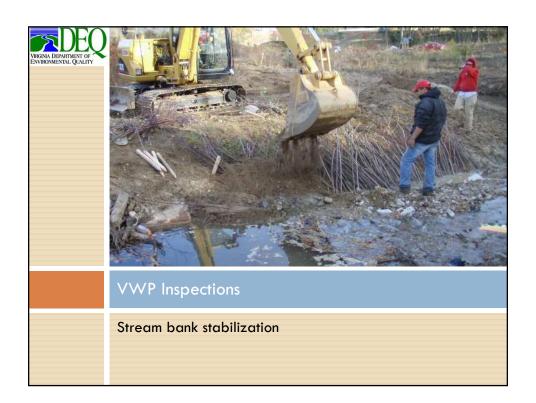
5. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or for mining activities covered by this general permit, the standards issued by the Virginia Department of Mines, Minerals and Energy that are effective as those in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed.





6. Exposed slopes and streambanks shall be stabilized immediately upon completion of work in each permitted impact area. All denuded areas shall be properly stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.





7. All construction, construction access (e.g., cofferdams, sheetpiling, and causeways) and demolition activities associated with this project shall be accomplished in a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable, unless authorized by this VWP general permit.



General Permit Conditions

- 8. No machinery may enter flowing waters, unless authorized by this VWP general permit
- 9. Heavy equipment in temporarily-impacted wetland areas shall be placed on mats, geotextile fabric, or other suitable material to minimize soil disturbance to the maximum extent practicable. Equipment and materials shall be removed immediately upon completion of work.





10. All nonimpacted surface waters and compensatory mitigation areas within 50 feet of permitted activities and within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity at that location to preclude unauthorized disturbances to these surface waters and compensatory mitigation areas during construction. The permittee shall notify contractors that no activities are to occur in these marked surface waters.



Non-Impact area and preservation area Flagging

11. Temporary disturbances to surface waters during construction shall be avoided and minimized to the maximum extent practicable. All temporarily disturbed wetland areas shall be restored to preexisting conditions within 30 days of completing work at each respective temporary impact area, which shall include reestablishing preconstruction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested). The permittee shall take all appropriate measures to promote and maintain revegetation of temporarily disturbed wetland areas with wetland vegetation through the second year post-disturbance. All temporarily impacted streams and streambanks shall be restored to their original contours within 30 days following the construction at that stream segment, and the banks seeded or planted with the same vegetation cover type originally present along the streams banks, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.





12. Materials (including fill, construction debris, and excavated and woody materials) temporarily stockpiled in wetlands shall be placed on mats or geotextile fabric, immediately stabilized to prevent entry into state waters, managed such that leachate does not enter state waters, and completely removed within 30 days following completion of that construction activity. Disturbed areas shall be returned to original contours, restored within 30 days following removal of the stockpile, and restored with the same vegetation cover type originally present, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.

General Permit Conditions

13. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, french drains, or other similar structures.



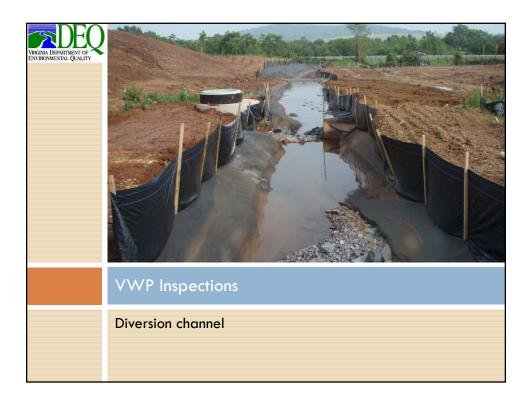
15. The permittee shall conduct activities in accordance with the time-of-year restrictions recommended by the Virginia Department of Game and Inland Fisheries, the Virginia Marine Resources Commission, or other interested and affected agencies and shall ensure that all contractors are aware of the time-of-year restrictions imposed.

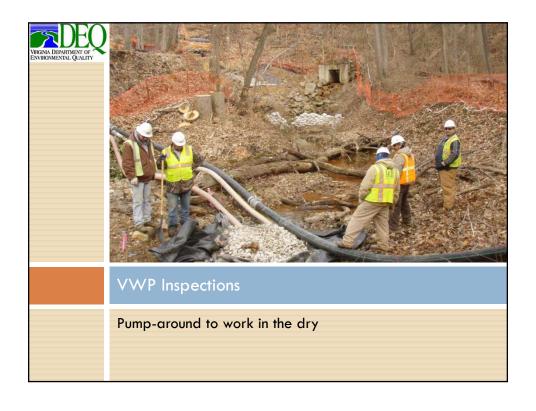


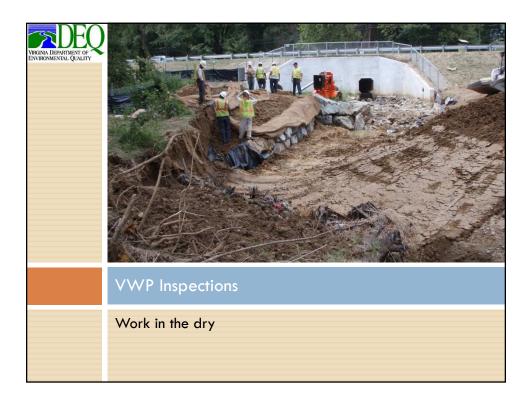
General Permit Conditions

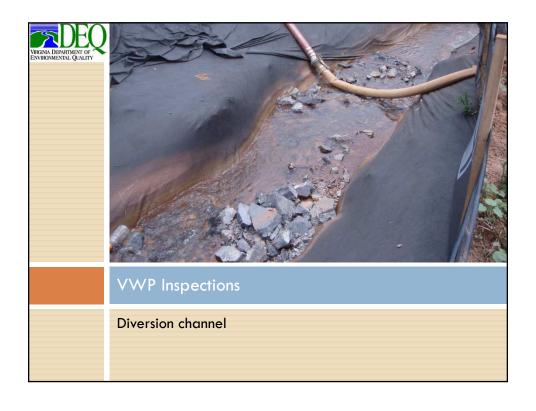
17. If stream channelization or relocation is required, all work in surface waters shall be done in the dry, unless authorized by this VWP general permit, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. This work shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new channel by first removing the downstream plug and then the upstream plug. The rerouted stream flow must be fully established before construction activities in the old stream channel can begin.







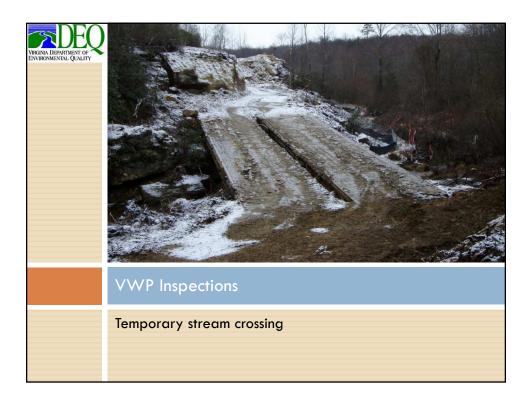


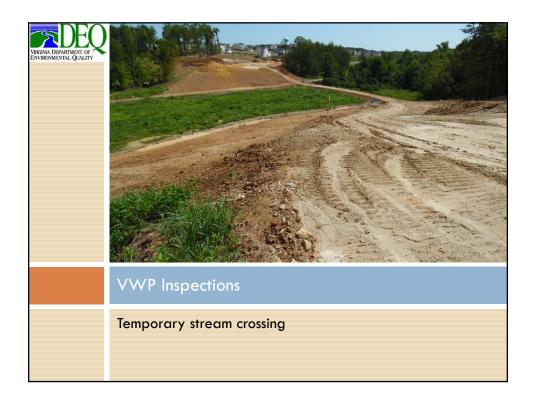


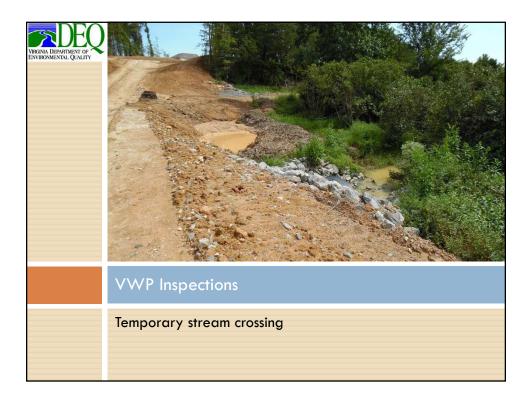
- D. Road crossings.
- 1. Access roads and associated bridges or culverts shall be constructed to minimize the adverse effects on surface waters to the maximum extent practicable. Access roads constructed above preconstruction contours and elevations in surface waters must be bridged or culverted to maintain surface flows.
- 2. Installation of road crossings shall occur in the dry via the implementation of cofferdams, sheetpiling, stream diversions, or similar structures.

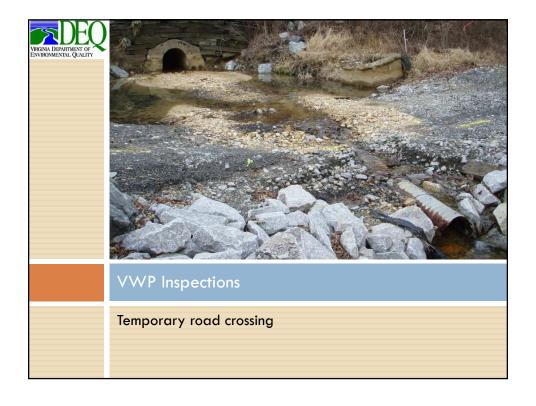


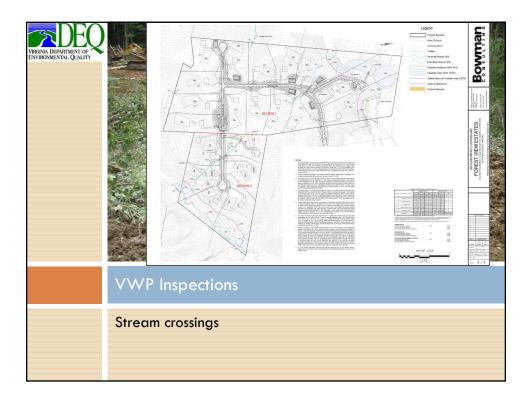








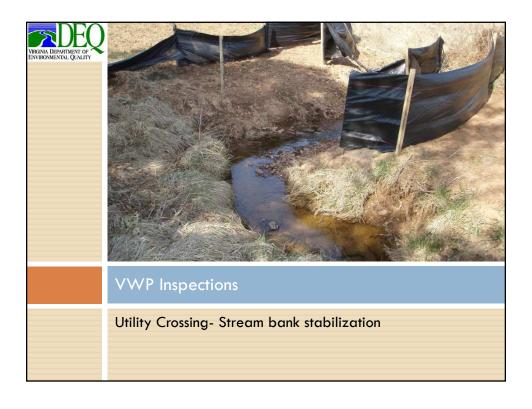




E. Utility lines.

1. All utility line work in surface waters shall be performed in a manner that minimizes disturbance, and the area must be returned to its original contours and restored within 30 days of completing work in the area, unless otherwise authorized by this VWP general permit. Restoration shall be the seeding of planting of the same vegetation cover type originally present, including supplemental erosion control grasses if necessary, except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list.







2. Material resulting from trench excavation may be temporarily sidecast into wetlands not to exceed a total of 90 days, provided the material is not placed in a manner such that it is dispersed by currents or other forces.



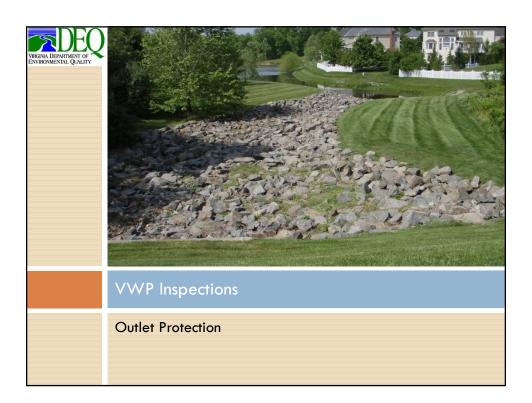
General Permit Conditions

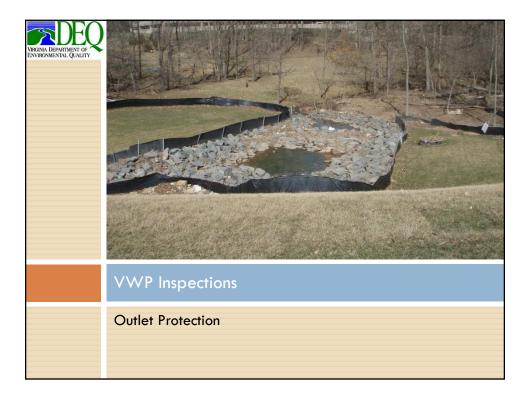
3. The trench for a utility line cannot be constructed in a manner that drains wetlands (e.g., backfilling with extensive gravel layers creating a french drain effect.). For example, utility lines may be backfilled with clay blocks to ensure that the trench does not drain surface waters through which the utility line is installed.



- F. Stream modification and stream bank protection.
- 1. Riprap bank stabilization shall be of an appropriate size and design in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
- 2. Riprap apron for all outfalls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.







3. For stream bank protection activities, the structure and backfill shall be placed as close to the stream bank as practicable. No material shall be placed in excess of the minimum necessary for erosion protection.



4. All stream bank protection structures shall be located to eliminate or minimize impacts to vegetated wetlands to the maximum extent practicable.



General Permit Conditions

5. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of submerged sills or breakwaters.



- 6. Redistribution of existing stream substrate for the purpose of erosion control is prohibited.
- 7. No material removed from the stream bottom shall be disposed of in surface waters, unless authorized by this permit.



General Permit Conditions

3. If evidence of impaired water quality, such as a fish kill, is observed during the dredging, dredging operations shall cease and the DEQ shall be notified immediately.



7. A dredged material management plan for the designated upland disposal site shall be submitted and approved 30 days prior to initial dredging activity.



General Permit Conditions

8. Pipeline outfalls and spillways shall be located at opposite ends of the dewatering area to allow for maximum retention and settling time. Filter fabric shall be used to line the dewatering area and to cover the outfall pipe to further reduce sedimentation to state waters.



9. The dredge material dewatering area shall be of adequate size to contain the dredge material and to allow for adequate dewatering and settling out of sediment prior to discharge back into state waters.







10. The dredge material dewatering area shall utilize an earthen berm or straw bales covered with filter fabric along the edge of the area to contain the dredged material, and shall be properly stabilized prior to placing the dredged material within the containment area.

11. Overtopping of the dredge material containment berms with dredge materials shall be strictly prohibited.



VWP Inspections

What do VWP Inspectors use to conduct project assessments?

What do they look for?

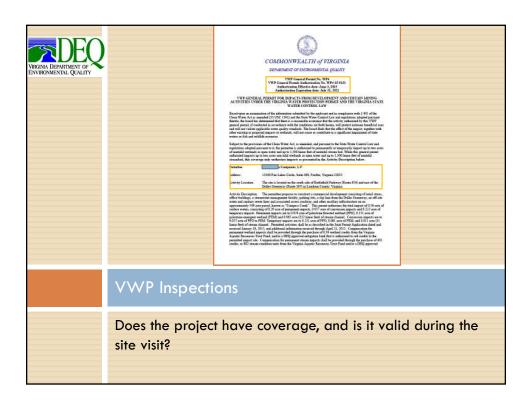
What do you (SWM E&S professionals) do when there appears to be a problem that will or is affecting surface waters?

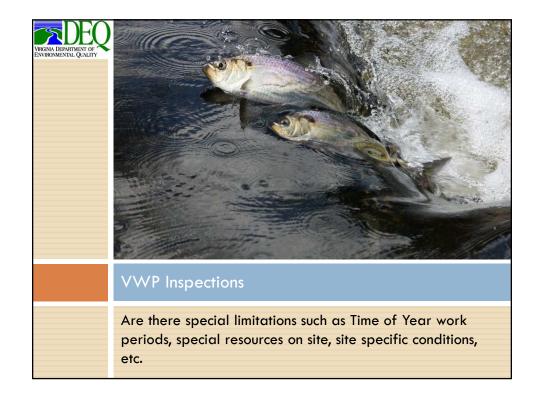


At the Outset

Find the documents that relate to the site

- >The permit coverpage and conditions
- >The impacts map
- >Related documents like dredge spoils dewatering plans, preservation areas, historic resources, or species of special concern







VWP Permit Cover Page

Activity Location: The project site is located between I-95 and Route 1 (Jefferson Davis Highway), south of Route 3 (Germanna Highway/Plank Road) in the City of Fredericksburg and Spotsylvania County, Virginia.

Activity Description: The permittee proposes to develop the site, known as the "Village of Idlewild," into 785 single-family homes with associated waterlines, sanitary sewer, storm drainage, and roadway improvements. The proposed activity results in the total permanent impact of 0.80 acres of surface waters, including 0.46 acres of palustrine forested (PFO) wetland, 0.10 acres of palustrine scrub-shrub (PSS) wetlands, 0.22 acres (420 linear feet) of perennial stream channel, and 0.02 acres (109 linear feet) of intermittent stream channel. Of the 0.46 acres of permanent PFO wetland impacts, 0.18 acres are to isolated wetlands. Permanent surface water impacts will be compensated through an in-lieu fee contribution of \$119,850 to the Virginia Aquatic Resources Trust Fund, as well as the on-site preservation of 12,200 linear feet of perennial stream buffer, and 4,400 linear feet of intermittent stream buffer. Buffer preservation will total 28.1 acres and includes 1.44 acres of PFO wetlands and 0.56 acres of PSS wetlands, Preserved areas are as represented on the Waters/Wetlands Preservation Areas map, dated July 2003.

Authorization Notes: There shall be a time-of-year restriction in perennial streams from February 15 to June 30 to protect anadromous fish during the spawning season.

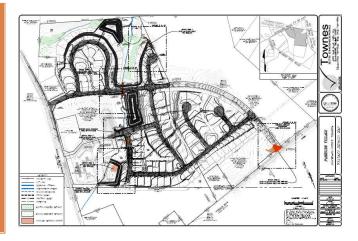
The work authorized by this permit also satisfies the terms and conditions contained in the Norfolk District, U.S. Army Corps of Engineers' (USACE) State Program General Permit (12-SPGP-01) and no additional authorization from the USACE is required. The permittee is responsible for following all special conditions contained within the 12-SPGP-01 (attached) that are pertinent to the project.

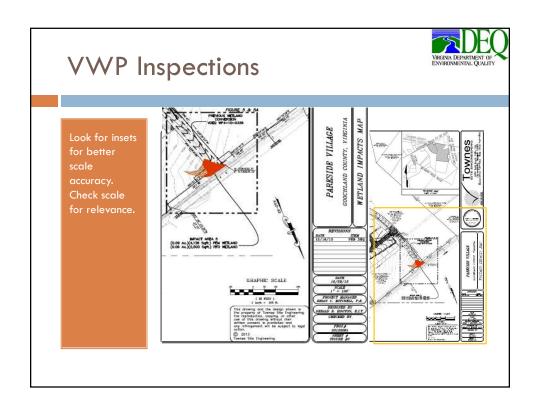
The authorized activity shall be in accordance with this cover page, Part I - Special Conditions, Part II - Mitigation, Monitoring and Reporting, and Part III - Conditions Applicable to All VWP Permits, as set forth herein.

VWP Inspections









VWP Permit Cover Page



VWP General Permit No. WP

VWP General Permit Authorization No. WP4-13-1686

Authorization Effective date: January 21, 2014 Authorization Expiration date: January 20, 2021

VWP GENERAL PERMIT FOR IMPACTS FROM DEVELOPMENT AND CERTAIN MINING ACTIVITIES UNDER THE VIRGINIA WATER PROTECTION PERMIT AND THE VIRGINIA STATE WATER CONTROL LAW

Based upon an examination of the information robustness by the applicant and in compliance with § 401 of the Clear Water Act as ammeded (3 USC 141) etc.

**Ref State Water Crotect Law and resignations adopted pursuant therest, the beauth and externation that there is a reasonable assurance that the activity sutherized by this 'WP general parmit, if conducted in accordance with the conditions set forth herein, will pretect insteam beneficial uses and will not violate applicable water and the set of the conditions of the condition

Activity Description: The project shall result in the construction of a residential development on a 51 acre parcel. The project shall result in permanent impacts to no more than 0.32 acres of palustrine emergent wetlands (PEM), 0.09 acres palustrine forested wetlands (PFO) and 180 linear feet of stream channel. Impacts shall be as depicted on the drawing by Townes Site Engineering entitled "Parkside Village Wetlands Impacts Map" dated October 29, 2013, revised December 18, 2013.

Activity Location: The project site is located on the west side of Pouncey Tract Road, 1000 ft south of its intersection with Ashland Road, just south of th Hanover County line in Goodhland County VA.

Activity Description: The project shall cerult in the construction of a residential development on a 51 acre percel. The project shall cerult in permanent impacts to a more than 0.32 acres of pulsarious emergent windards (PEO), 0.05 acres pulsarious forested windards (PEO) and 180 linear fast of stream channel. Impacts thall be an depicted on the drawing by Promes Sile Empirical emitted "Pacific William Vehicals impacts Many" and 400-600-679, 2013, event-observed between the property of th

Authorization Note

- Compensation for permanent surface water impacts shall be accomplished through the purchase of 0.50 wetland mitigation credits and 185 USM stream
 mitigation credits from an approved mitigation bank that meets the requirements of Va. Code § 62.1-44.15:23(A) and 9 VAC25-690-70. Multiple bank
 mitigation credits for the compensation of the compensation of Value of Value
- 2) A semi-annual contractions them update shall be completed in hose and Describe of every year during the term of this parmin. The contraction terms update shall include selections to be always and include the first finding enterants in Contractions terming update and include selections (Contractions described in the state of the following enterants). Contractions described indicate search are not yet communicated. So Contractions enterby within enthicated impact uses has not yet communicated. On the contraction of t
- The permittee shall notify DEQ within 24 hours of discovering impacts to surface waters (including wetlands) that are not authorized by this permit. The
 notification shall include photographs, estimated acrease and/or linear footage of impacts, and a narrative description of the impacts.

The work authorized by this permit and/or permit modification satisfies the terms and conditions contained in the Norfolk District, Corps of Engineers' St. Program General Permit (12-SPGP-01) and the special conditions, if any, attached to 12-SPGP-01. No additional authorization from the Corps is required. Yet 12-SPGP-01 to the contractance in effective and the data are effective until May \$1, 2017.

The authorized activity shall be in accordance with this cover page, Part I.-Special Conditions, Part II.-Compensation, Monitoring, and Reporting, and Part I



VWP Permit Cover Page

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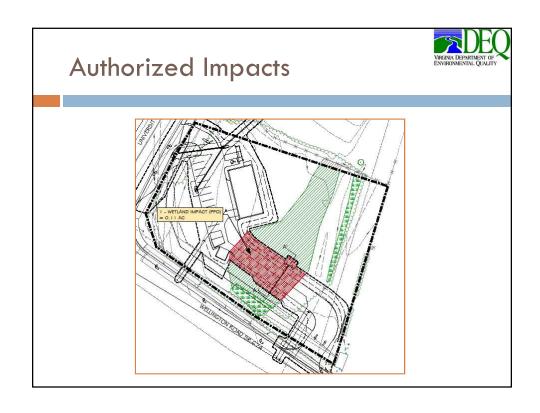
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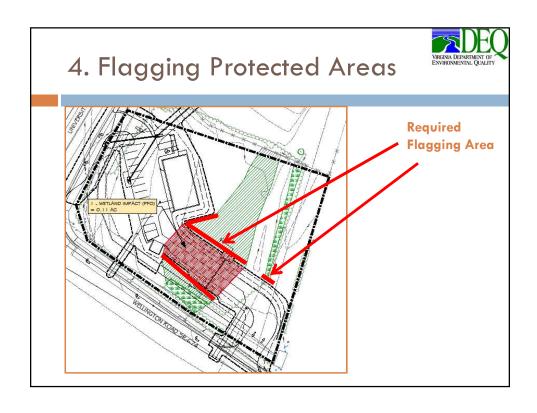
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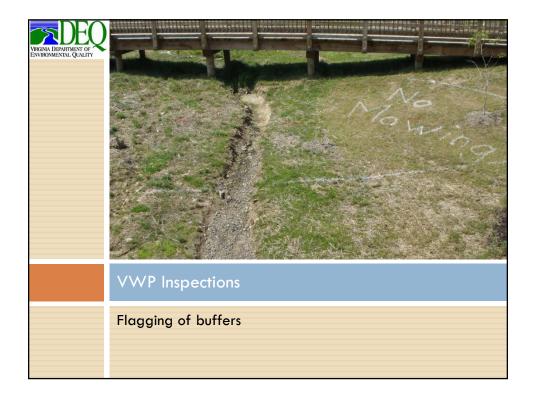
Onsite

- > Physical limits of authorization
- Construction conditions
- Special conditions

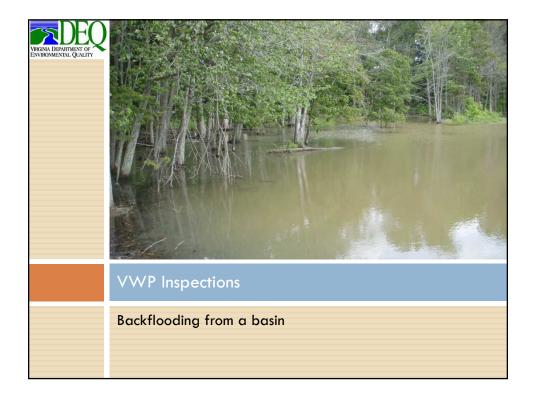


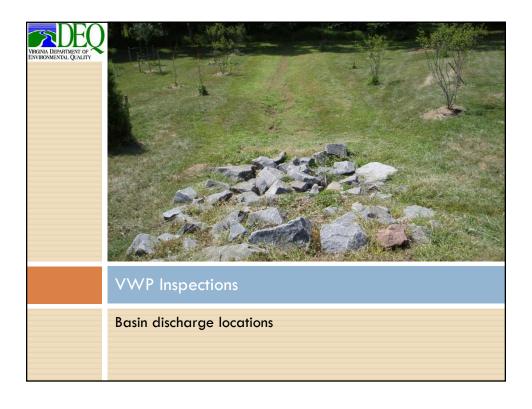


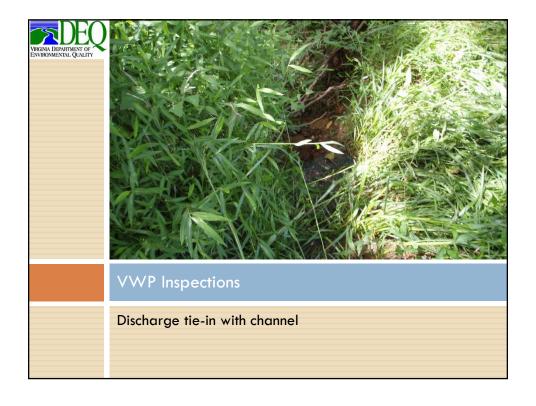
















Common Scenarios

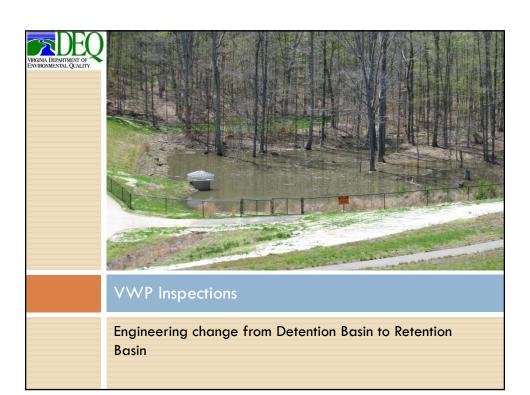
- Utility stabilization
- "More is better"
- >Sediment containment field decisions
- >Failure to correlate permit documents and requirements to engineering or construction staff
- >Failure to follow permit conditions
- >Failure to obtain correct permit



VSMP/ E&S Inspectors/Plan Reviewers Role

What can you do?

- >Know where wetlands and other surface waters are located, and where construction activities are authorized.
- >Plan reviewers should have the approved wetland delineation maps and approved impacts maps.
- Inspectors should, in addition to having plans that identify surface waters and approved impacts, find resource flagging when they look for limits of clearing flagging/ tree protection at the pre-con meeting: ensure everyone onsite knows the meaning of various flagging.





VSMP/ E&S Inspectors/Plan Reviewers Role

- >Understand the limitations of the VWP permit.
- Ensure that the boundaries are honored.
- Ensure that E&S and SWM criteria are strictly followed.



VSMP/ E&S Plan Reviewers Role

What do you do?

- When plan reviewers find the plans appear in conflict with the approved VWP permit, identify the concern to the Engineer and Permittee.
- >Evidence of having obtained authorization for surface water impacts and for plan revisions that result in impact changes.





VWP Inspections

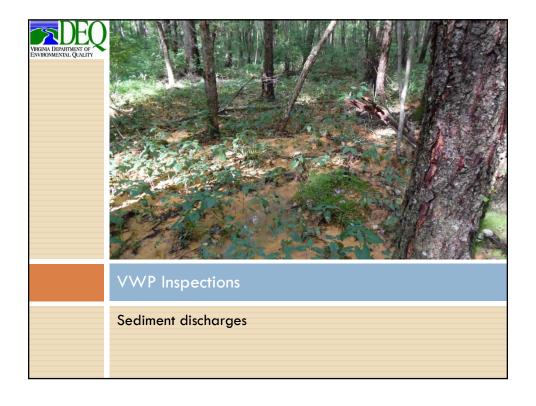
Engineering change to utilize stream corridor as sediment basin location



VSMP/ E&S Inspectors/Plan Reviewers Role

- >When sediment or other spills reach surface waters or wetlands- *Notify DEQ-VWP*.
- Sediment discharges to State waters may warrant an immediate Stop Work Order under the E&S Regulations.
- >Amplify efforts to stem the discharge.

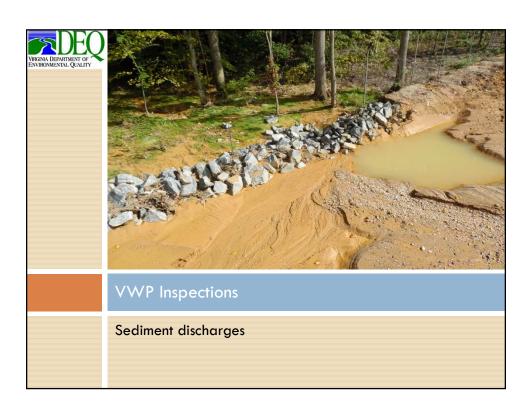






VSMP/ E&S Inspectors/Plan Reviewers Role

>When plan (field) changes will result in effects in or over wetlands or other waters- Notify DEQ-VWP and the US Army Corps of Engineers for direction. This often involves the plan designer as well.







Post Construction BMP Maintenance

- > Remember to ensure that BMP elevation asbuilt surveys, maintenance elevations, and maintenance agreements are established and recorded.
- > This may relieve the landowner of VWP permitting due to routine maintenance of the facilities.

VWP Compliance Resolution

Guidance Memorandum No. 10-2002

Virginia Water Protection Permit Program Noncompliance Determination and **Enforcement Referral Guidance**

Infraction	Points			
	1"	2 ^{ed}	Additional	Notes
	Occurrence	Occurrence	Occurrence	
Exceeding Permitted Impacts				Minor Exceedance: below minor modification/notice of
			l	planned change thresholds
Major Exceedance	1-4	1-4	4	
			l	Major Exceedance: above minor modification/notice of
Minor Exceedance	1-2	1-2	4	planned change thresholds
				Impact areas in multiple locations over a given time period are summed to determine if the impact is considered major or minor, individual impacts are not assigned Points separately
				Impact thresholds serve only as a guide for assessing alleged noncompliance; the facts of the case must be considered carefully regardless of the size of impacts; smaller impacts to more significant aquatic resource functions may also be considered major, whereas larger
				impacts in context with a larger permitted impacts may be considered minor

VWP Non-Compliance Resolution

Permittee corrects and further action is not required

Permittee corrects and further action is not required

Required

Warning Letter

Permittee responds to DEQ, corrects and further action is not required OR

Elevated to NOV

Notice of Violation

The concern is referred to DEQ's Enforcement Division for resolution

Corrective Action on Site

QUESTIONS?

